

## REMARKS

Claims 40-58, 69-83 and 87-96 are pending in the present application. In the foregoing amendments, claims 40, 42, 49, 51, 57, 69, 71, 76, 80, 83, 87, 90, 92, 94, and 96 have been amended, and claims 52, 91, and 95 have been canceled without prejudice. Support for these amendments can be found in the specification and claims of the application as filed. No new matter has been added by these amendments.

Applicant wishes to express appreciation to the Examiner for the courtesies extended during telephone interviews with the undersigned and for the willingness to consider a proposed amendment. Applicant respectfully requests entry of the foregoing amendments and reconsideration of the application in light of the amendments above and the remarks below.

Claim Rejections under 35 U.S.C § 102

The Office Action rejected claims 40-58, 69-83 and 87-96 under 35 U.S.C. §102(e) as being anticipated by Kondo (U.S. Patent No. 6,526,028), hereinafter referred to as Kondo.

Kondo discloses that as a subscriber travels through the transition region between multiple cells, it will receive forward link communications from both the new and original base stations only when fading is high. When the fading (associated with the communication channels on forward link) is low, the subscriber station will receive forward link communications from only one base station to reduce interference.

While Kondo discloses a wireless communications system having a handoff procedure and a reverse link power control procedure, it does not teach or suggest basing the handoff decision on the reverse link power controls, or any other reverse link quality indicator for that matter. As discussed above, the number of base stations with which the subscriber station communicates while traveling through a cellular transition region, as taught by Kondo, is based on the forward link fading environment, independent of the reverse link signal quality. Accordingly, Kondo fails to support an anticipatory rejection of independent claims 40, 49, 69, 76, 80, 83, 87, 88, 89, 90, 94 and 96.

More specifically, Kondo fails to teach or suggest “performing a handoff to the first base station if signals transmitted by the subscriber station are received by the first base station with sufficient energy based in part on history of the reverse link power control commands received from the first base station,” as recited in independent claim 40, 49, 69, 76, 80, or 87 (emphasis

added). For at least these reasons, Applicants submit that claims 40, 49, 69, 76, 80, and 87 are allowable over the cited reference. Applicants respectfully request that the rejections of these claims be withdrawn.

Kondo also fails to teach or suggest permitting a handoff according to "messages indicating an average quality of a reverse link signal received from one or more base stations," as recited in independent claim 83, 90, 94, or 96 (emphasis added). For at least these reasons, Applicants submit that claims 83, 90, 94 and 96 are allowable over the cited reference. Applicants respectfully request that the rejections of these claims be withdrawn.

Kondo further fails to teach or suggest permitting a handoff according to "messages indicating a rate request of reverse link transmissions," as recited in independent claim 88 or 89 (emphasis added). For at least these reasons, Applicants submit that claims 88 and 89 are allowable over the cited reference. Applicants respectfully request that the rejections of these claims be withdrawn.

Claims 42-48, 51, 53-58, 71-75, 77-79, 81-82, and 92-93 each depend from one of independent claims 40, 49, 69, 76, 80, and 90, and are allowable as well, for at least the reasons stated above. Applicants respectfully request that the rejections of these claims be withdrawn.

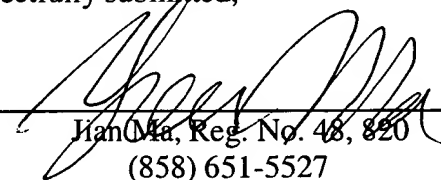
### REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 03/01/2006

By: \_\_\_\_\_

  
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